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## **An Act To Prohibit the Retail Sale and Distribution of Novelty Lighters**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** novelty lighters have features that are attractive to children, including visual effects, flashing lights, musical sounds and toy-like designs; and

**Whereas,** the federal Consumer Product Safety Commission has recalled thousands of novelty lighters since 1996 due to their danger to public safety; and

**Whereas,** fire setting by juveniles has been identified as the fastest growing fire threat in the United States, with more than 300 people killed annually, 30% of whom are children, and almost \$1 billion in property destroyed; and

**Whereas,** in Maine, fire setting by juveniles has resulted in several deaths and millions of dollars in property damage and destruction; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 25 MRSA §2467** is enacted to read:

### **§ 2467. Retail sale and distribution of novelty lighters prohibited**

**1. Definition.** For purposes of this section, "novelty lighter" means a mechanical or electrical device typically used for lighting cigarettes, cigars or pipes that is designed to appear to be a toy, feature a flashing light or make musical sounds. "Novelty lighter" does not include:

**A. A lighter manufactured prior to January 1, 1980;**

**B. A lighter incapable of being fueled or lacking a device necessary to produce combustion or a flame; or**

**C. Any mechanical or electrical device primarily used to ignite fuel for fireplaces or for charcoal or gas grills.**

**2. Prohibition; penalty.** A person may not sell at retail, offer for retail sale or distribute for retail sale or promotion in this State a novelty lighter. A person who violates this subsection commits a civil violation for which a fine of not more than \$500 may be imposed.

**3. Exception.** The prohibition specified in subsection 2 does not apply to the transportation of novelty lighters through this State or the storage of novelty lighters in a warehouse or distribution center in this State that is closed to the public for purposes of retail sales.

**4. Enforcement.** This section may be enforced by the State Fire Marshal's Office; a state, county or municipal law enforcement officer; or a municipal code enforcement officer.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 24, 2008.